IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION Nos.21468, 21861, 23683 of 2004 and WRIT PETITION No.3795 of 2005

WRIT PETITION NO : 21468 of 2004

Between:

Ambati Jagannadham, S/o Krishna Murthy (late), 57 years,
I/C Chief Engineer, Panchayat Raj Department, Errummanzil,

Hyderabad, R/o Mehadipatnam, Hyderabad.

..... PETITIONER

AND

1. The Government of AP, rep. by its Secretary,

Panchayat Raj & Rural Development Department,

Secretariat, Hyderabad.

2. M.A. Kareem, S/o Md. Ghouse, 56 years,
Executive Director, HRD, O/o Engineer-in-Chief,

Errummanzil, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ order or direction particularly one in the nature of Writ of Certiorari after calling for the records relating to the order in OA No. 3135/2004 dt 19-05-2004 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent No.1: GP FOR SERVICES I

Counsel for the Respondent No.2: MR. C.V.MOHAN REDDY

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WRIT PETITION NO : 21861 of 2004

Between:

P.Narasinga Rao, s/o P.Papa Rao, Aged 56 years,
Presently working as Chief Engineer,

I/c Vigilance and Quality Controle,
o/o Engineer-in-Chief, Panchayat Raj, Erramanzil, Hyderabad.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep., by its Secretary,
   Panchayat Raj & Rural Development Department, Secretariat,

Hyderabad.

2. Sri M.A.Kareem, Occ: Executive Director, HRD,
   O/o Engineer-in-Chief, Erramanzil, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court maybe pleased to issue writ, order or direction more particularly one in the nature of writ of "Certiorari" calling for the records relating to the orders passed in OA No.3135/2004 by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, dated 19-05-2004 and set aside the same as unjust and without any basis and consequently direct the in the interest of justice, and consequently direct the 1st respondent to consider the

case of the petitioner for promotion to the post of Engineer-in-Chief as per the existing provisional seniority list of Executive Engineers.

Counsel for the Petitioner: MR.M.RATNA REDDY
Counsel for the Respondent No.1: GP FOR SERVICES I.

Counsel for the Respondent No.2: MR.C.V.MOHAN REDDY

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WRIT PETITION NO : 23683 of 2004

Between:

A.Sreenivas Rao, S/o Ramachandraiah, aged 57 years,
Occ: Chief Engineer, I/C World Bank Project,

Panchayat raj Hyderabad.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Secretary,
   Panchayat Raj & Rural Development Department, Secretariat,

Hyderabad.

2. Sri M.A. Kareem, Occ: Executive Director, HRD,
   O/o Engineer-in-chief , Errammanzil, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of CERTIORARI calling for the records relating to and connected with the orders passed in O.A.No.3135/2004 by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, dt. 19/05/2004 and quash the same as unjust and without any basis and consequently direct the in the interest of Justice, and consequently direct the 1st respondent to consider the case of the petitioner for promotion to the Post of

Engineer in Chief as per the existing provisional seniority list of Executive Engineers in the interest of Justice.

Counsel for the Petitioner: MR.P.NAVEEN RAO
Counsel for the Respondent No.1: GP FOR SERVICES I

Counsel for the respondent No.2: MR.C.V.MOHAN REDDY

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WRIT PETITION NO: 3795 of 2004

Between:

Ch.Gyaneshwar, s/o Narsaiah, aged 56 years,
Occ: Chief Engineer, Panchayat Raj Department,
Rural WaterSupply, Ramananda Thirtha Grameena
Nirman Bhawan, Erramanzil, Hyderabad.

..... PETITIONER

AND

1. Government of A.P., represented by its Secretary,
Panchayat Raj and rural Development Department,
Secretariat, Hyderabad.

2. M.A.Kareem, Executive Director, H.R.D.
O/o. Engineer- in-Chief, Errumanzil Colony,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a writ, order or direction more in the nature of Writ of Certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal dt.19.05.2004 in O.A.No.3135 of 2004 and quash the same by holding it as illegal, bad and arbitrary and further direct the respondents to consider the case of the petitioner for promotion as Engineer-in-Chief by taking into account his length of service in the category of Chief Engineer.

Counsel for the petitioner: MR.J.R.MANOHAR RAO

Counsel for the respondent No.1: G.P. FOR SERVICES-I

Counsel for the respondent No.2: MR C.V.MOHAN REDDY

The Court made the following:

COMMON ORDER: (Per Hon'ble Sri Justice G.Bikshapathy)

All these writ petitions will be disposed of by a common order. In these writ petitions, the order dated 19-05-2004 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.3135 of 2004 is assailed.

2. It is the forceful contention of the learned counsel for the petitioners that the second respondent is junior in the cadre of Deputy Executive Engineer and also junior in provisional seniority list and he could not have been promoted to the post of Engineer-in-Chief incharge. Hence, they seek appropriate direction in this regard.

3. Now, it is brought to the notice of this court that appointment of the second respondent as in charge Engineer-in-Chief was made by the Government in G.O.Rt.No.1008 dated 09.7.2004 and that G.O. is under challenge before the Tribunal in O.A.No.4253 of 2004 and batch. Under those circumstances it is inappropriate for this Court to decide the validity of the appointment of the respondent in this writ petition. The order was passed by the Government in pursuance of the order passed by the Tribunal in O.A.3135 of 2004. It is only in pursuance of that order the present G.O. has been issued. Therefore, we are not inclined to interfere with the order passed by the Tribunal, inasmuch as the challenge is already made to G.O.Rt.No.1008 dated 09.7.2004.

4. Accordingly, the writ petition is dismissed. However, it is desirable to expedite O.A.No.4253 of 2004 and batch.

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G.BIKSHAPATHY,J.

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P.S.NARAYANA,J.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Panchayat Raj and Rural Development Department,

Government of A.P., Secretariat, Hyderabad.

2. The Registrar, A.P. Administrative Tribunal, Hyderabad.

3. Two CCs to the Government Pleader for Services-I, High Court of

Andhra Pradesh, Hyderabad (OUT).

4. Two CD copies.